



COMMONS REGISTRATION ACT 1965

Reference No 20/U/83

In the Matter of Pollard Moor (part),
Hapton, Burnley District, Lancashire

DECISION

This reference relates to the question of the ownership of land known as Pollard Moor (part), Hapton, Burnley District, being the land comprised in the Land Section of Register Unit No CL 109 in the Register of Common Land maintained by the Lancashire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Ellistown Pipes Limited (a member of the Hepworth Group) said (letter dated 4 March 1974 to Lancashire County Council and signed on behalf of Hepworth Iron Co Ltd) that part of the land was in their ownership under a conveyance dated 20 November 1942 and supplied other information about this part of the land and about the adjoining land. No other person claimed to be the freehold owner of the land in question or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the ownership of the land at Preston on 10 May 1978. At this hearing Hepworth Industrial Plastics Limited ("HIP Ltd") were represented by Mr I Gerrard a chartered accountant employed in their business. At his request I adjourned the proceedings.

In a letter dated 15 November 1979, Lancashire County Council said that the Department of Transport would on 27 November lay before Parliament a Compulsory Purchase Order for the M65 Motorway (Hyndburn to Burnley Section) which takes in part of the land in this Register Unit and for which there is no exchange land.

I held the adjourned hearing at Preston on 12 December 1978. At this hearing HIP Ltd were represented by Mr E Tolson a chartered account employed by them on a temporary basis, and the Department of Transport were represented by Mrs D Russell an executive officer in their Northwestern Road Construction Unit (Preston).

The land ("the Unit Land") according to the Register contains 1.457 hectares (3.6 acres); it has a frontage on the Leeds-Liverpool Canal tow path of about 30 yards and extends northwards, narrowing slightly for about 100 yards ("the South Area"); and then becoming very much narrower extending northwestwards for about 200 yards ("the North Strip"). North of the Unit Land is a larger area known (with or without the Unit Land) as Pollard Moor.

In May 1973 no part of the Unit Land was registered at HM Land Registry under the Land Registration Act 1925 to 1966 (their certificate dated 29 May 1973). At the hearing Mrs Cunliffe, who was representing the County Council as registration authority, provided a more recent Land Registry certificate from which it appeared that a very small part of the northeast corner of the South ~~Area~~ ^{Area} is or might be included in Land Registry Title No LA 418039.

Mrs Russell produced a plan showing coloured pink the land included in the said Compulsory Purchase Order.

COMMONS REGISTRATION ACT 1965

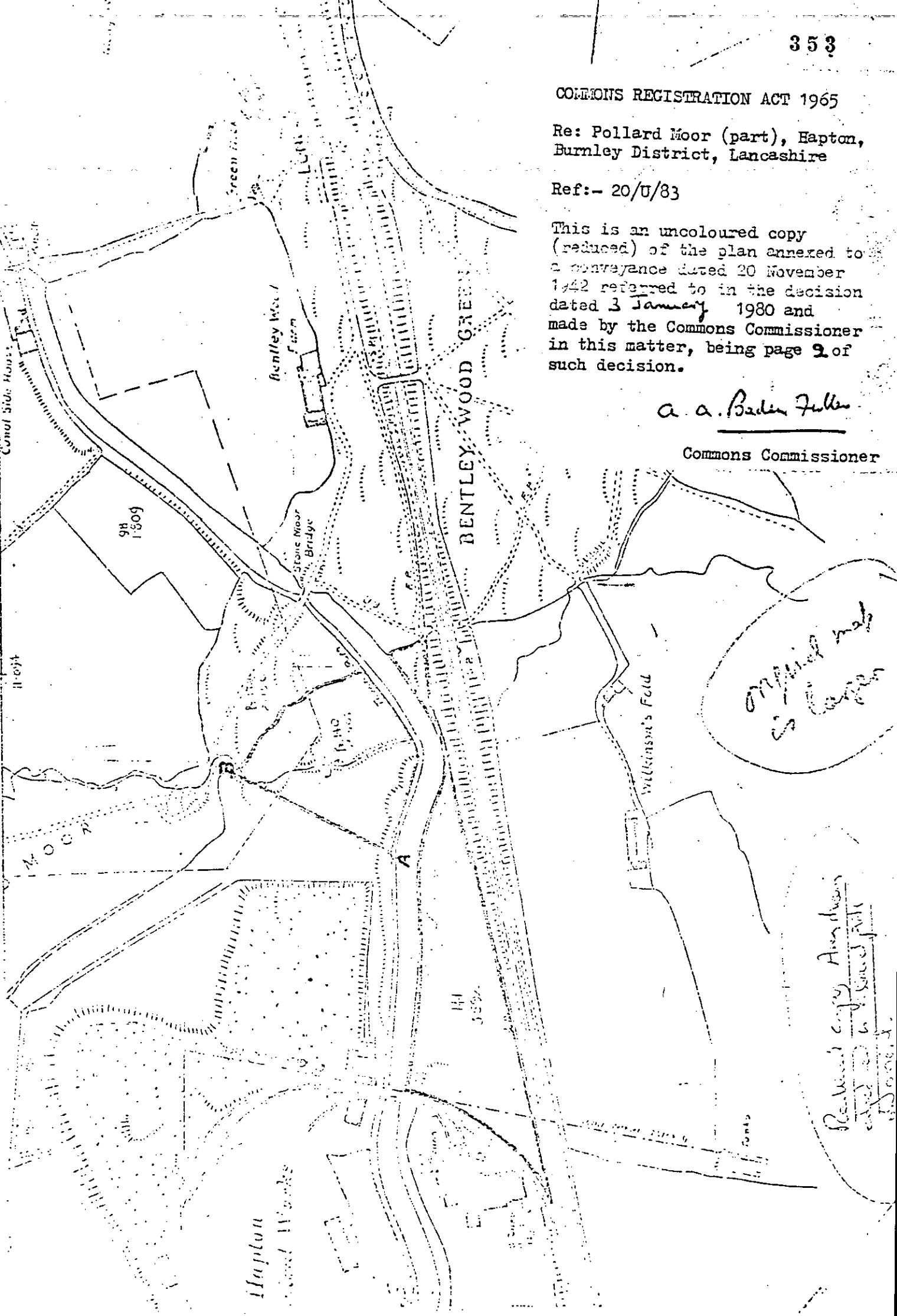
Re: Pollard Moor (part), Hapton, Burnley District, Lancashire

Ref:- 20/U/83

This is an uncoloured copy (reduced) of the plan annexed to a conveyance dated 20 November 1942 referred to in the decision dated 3 January 1980 and made by the Commons Commissioner in this matter, being page 2 of such decision.

a. a. Baden Fuller

Commons Commissioner



original map is larger

*Revised copy Annals
dated 20.11.80*



- 3 -

Mr Tolson in the course of his evidence said that all the companies above mentioned were subsidiaries of Hepworth Ceramic Holdings Limited, and produced the following documents which had been sent to him by Slaughter & May, Solicitors for the Group:- (1) Conveyance dated 20 November 1942 by John Riley & Sons Limited to The Minister of Aircraft Production; (2) Extracts from SI 1946 No 374, SI 1951 No 1242, SI 1954 No 1028; (3) Conveyance dated 15 March 1966 by the Board of Trade to The Lowerhouse Development and Investment Company Limited ("LDIC"); (4) Conveyance dated 5 April 1966 by LDIC to Hepworth Iron Company Limited; (5) copy certificate dated 1 January 1974 of their change of name to Hepworth Pipe Company Limited ("HPPC"); (6) Conveyance dated 9 December 1975 by HPPC to Hepworth-Plova Plastics Limited; and (7) copy certificate of their change of name to HIP Ltd.

As regards the southeast part of the South Area, the title of HIP Ltd by the above listed documents is regularly deduced, save that these documents do not clearly define the northwest boundary of the part, being the boundary between the part of the said Area to which a title has been shown and the part to which no title has been shown, in that although the map annexed to the 1942 conveyance is clear enough, and that annexed to the March 1966 conveyance corresponds with it closely, the map annexed to the April 1966 conveyance is difficult to follow. A copy of the reduced copy supplied to me of the map annexed to the 1942 conveyance is page 2 of this decision; with this conveyance there is a covenant by the Purchaser forthwith to erect and afterwards maintain suitable stock proof fences between the points A and B on the said plan. Mr Tolson said (in effect) that the South Area is all rough, and that there is now a post and wire fence which divides it and corresponds near as he could judge the line AB. I consider that I can properly conclude this fence is the true boundary of the land to which title has been shown. Mr Tolson was unable to explain the LA 418039 land; it being comparatively very small and probably of no practical consequence, because I have no jurisdiction over it, it is enough for me simply to exclude it from this decision.

On the above considerations I am satisfied that HIP Ltd are the owners of the land to which they have shown title as aforesaid, and I shall accordingly pursuant to section 8(2) of the 1965 Act direct Lancashire County Council as registration authority to register Hepworth Industrial Plastics Limited of Genefax House, Tapton Park Road, Sheffield as the owners of the specified part hereinafter defined of the land in this Register Unit; and I define the specified part as meaning ^{the} part of the land which is south~~west~~ of the post and wire fence the position of which is ^{near as may be shown by the} line AB on the plan being page 2 of this decision, except ~~therefrom~~ ^{part if any} ~~of the land~~ ^{being the land} as is comprised in Title No LA 418039. As regards the rest of the Unit Land in the absence of evidence I am not satisfied that any person is the owner of it, and it will therefore be subject to protection under section 9 of the Act of 1865.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 3rd day of January 1980.

a. a. Baden Fuller.